

U.S. Appl. No. 09/726,867  
Reply to Office Action dated June 12, 2006

PATENT  
450100-02887

**REMARKS/ARGUMENTS**

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**SEP 12 2006**

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the remarks herewith.

**I. STATUS OF THE CLAIMS AND FORMAL MATTERS**

Claims 1-18 are currently pending. Claims 1 and 10 are independent. It is submitted that these claims, as originally presented, were in full compliance with the requirements of 35 U.S.C. §112.

**II. REJECTIONS UNDER 35 U.S.C. §103(a)**

Claims 1, 3, 10 and 12 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent No. 6,614,987 to Ismail, et al. (hereinafter, merely "Ismail") in view of WO 99/01984 to Maissel, et al. (hereinafter, merely "Maissel") and further in view of U.S. Patent No. 6,581,207 to Sumita, et al. (hereinafter, merely "Sumita").

Claims 2 and 11 were rejected under 35 U.S.C. 103(a) as allegedly unpatentable over Ismail, Sumita and Maissel as applied to claims 1 and 10, and further in view of Dunlop ("The Effects of Accessing Non-matching Documents on Relevance Feedback") and U.S. Patent No. 6,408,295 to Aggarwal, et al. (hereinafter, merely "Aggarwal").

Claims 4-6 and 13-15 were rejected under 35 U.S.C. 103(a) as allegedly unpatentable over Ismail, Sumita and Maissel, as applied to claims 3 and 12, and further in view of U.S. Patent No. 6,005,561 to Hawkins, et al. (hereinafter, merely "Hawkins").

Claims 7 and 16 were rejected under 35 U.S.C. 103(a) as allegedly unpatentable over Ismail, Sumita and Maissel as applied to claims 3 and 12, and further in view of U.S. Patent

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No. 6,457,010 to Eldering, et al. (hereinafter, merely "Eldering") and further in view of U.S.

Patent No. 6,185,360 to Inoue, et al. (hereinafter, merely "Inoue").

Claims 8 and 17 were rejected under 35 U.S.C. 103(a) as allegedly unpatentable over Ismail, Sumita and Maissel as applied to claims 3 and 12, and further in view of U.S. Patent No. 6,266,664 to Russel-Falla, et al. (hereinafter, merely "Russel-Falla") and still further in view of Inoue.

Claims 9 and 18 were rejected under 35 U.S.C. 103(a) as allegedly unpatentable over Ismail, Sumita and Maissel as applied to claims 1 and 10, and further in view of Eldering.

### III. RESPONSE TO REJECTIONS

Claim 1 recites, *inter alia*:

"A broadcasting system comprising:

a broadcasting station for broadcasting digital content containing attribute information indicating an attribute thereof and an electronic program guide (EPG);...

wherein said controlling unit computes said attribute information of the digital contents replayed by said user, analyzes said user's taste and based on the analysis, modifies a weight of each parameter of said selection information to optimize the selection information for said user." (Emphasis added)

As understood by Applicants, Ismail relates to a system for recording television programs for subsequent viewing by a user that includes a preference determination module which is responsive to attribute information associated with television programs viewed by the user. The preference determination module categorizes the attribute information in accordance with categorization parameters to generate recordation preference information, indicative of television program viewing preferences of the user.

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As understood by Applicants, Maissel relates to a subscriber unit for use in a television system including a television network and transmitting apparatus for transmitting program schedule information, the subscriber unit including a receiving unit for receiving the program schedule information.

As understood by Applicants, Sumita relates to an information-filtering unit that is connected with a user's video equipment by a communications line and a program content analyzing section that analyzes the contents of broadcast programs. A collation evaluation section evaluates the similarity between the analyses and a user's profile stored in a profile storage section. A program selecting selection transmits the result of program selection to the video equipment in the form of time information.

Applicants submit that Ismail, Maissel, and Sumita, taken either alone or in combination, do not teach or suggest the above-identified features of claim 1. Specifically, Applicants submit that there is no teaching or suggestion of a broadcasting system wherein said controlling unit computes said attribute information of the digital contents replayed by said user, analyzes said user's taste and based on the analysis, modifies a weight of each parameter of said selection information to optimize the selection information for said user, as recited in claim 1.

The Office Action asserts that Maissel teaches that the controlling unit computes said attribute information of the digital contents replayed by said user, analyzes said user's taste and based on the analysis, modifies a weight of each parameter of said selection information to optimize the selection information for said user.

Maissel discloses on page 18, paragraph 3, that "the intelligent agent 130 is preferably operable to combine the television viewing information with the program schedule information and to extract therefrom characteristics, typically comprising components similar to

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those described above with respect to program schedule information, which characterize the television program currently being viewed by the viewer.”

However, on page 19, paragraph 1, Maissel merely discloses that “the viewer preference profile may contain information on preference strength, that is, on how strongly a certain program or type of program is preferred by the viewer.” Furthermore, page 20, paragraph 3, of Maissel merely discloses that “the intelligent agent 130 is also operative to customize the program schedule information received from the receiving unit 120 in accordance with one or more viewer preference profiles belonging to one or more viewers and to output a program guide comprising the customized program schedule information to the display apparatus 150 for display.”

Thus, the cited portions of Maissel do not teach or suggest that the controlling unit analyzes the user's taste and based on the analysis, modifies a weight of each parameter of the selection information to optimize the selection information. Maissel merely teaches that the viewer preference profile may contain information on preference strength and that the program schedule information can be customized in accordance with one or more viewer preference profiles. Therefore, Maissel does not teach or suggest modifying the preference strength and using the modified preference strength to optimize the selection information.

Further, Applicants submit that nothing has been found in the art used as a basis for rejection of the dependent claims that would render claim 1 unpatentable.

Furthermore, Applicants submit that not only does the combination of Ismael, Maissel and Sumita fail to teach or suggest the claimed features, but the combination is improper because it lacks motivation. Applicants respectfully submit that the combination of Ismael,

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Maissel and Sumita is the result of improper hindsight using Applicants' claimed invention as a blueprint.

Therefore, Applicants submit that independent claim 1 is patentable.

For reasons similar to, or somewhat similar to, those described above with regard to independent claim 1, independent claim 10 is also believed to be patentable.

Therefore, Applicants submit that independent claims 1 and 10 are patentable.

#### **IV. DEPENDENT CLAIMS**

The other claims are dependent from one of the independent claims, discussed above, and are therefore believed patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

#### **CONCLUSION**

In the event the Examiner disagrees with any of statements appearing above with respect to the disclosure in the cited reference, or references, it is respectfully requested that the Examiner specifically indicate those portions of the reference, or references, providing the basis for a contrary view.

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

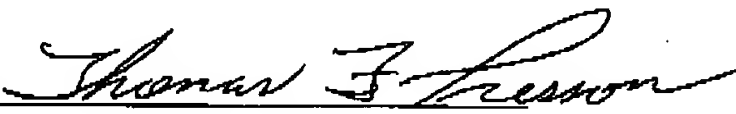
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In view of the foregoing remarks, it is believed that all of the claims in this application are patentable and Applicants respectfully request early passage to issue of the present application.

Respectfully submitted,

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